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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/732,738 | 12/11/2000 | Jeffrey Alnwick | MS-579-B | 2330 |

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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/732,738

Applicant(s)
Alnwick

Examiner
Cuong H. Nguyen

Art Unit
3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 24, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) 1,4, is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. This Office Action is based on the reason for granting a special status for this application on 7/08/2002.
2. Claims 2-3, 5-15 are pending in this application.

Drawings

3. This application has been filed with drawings which are acceptable for examining purposes.
4. The following rejections are based on the examiner's broadest reasonable interpretation of the claims, In re Pearson, 181 USPQ 641 (CCPA 1974).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The applicant admits (on page 2, 2nd para. of the detailed discussion of references received on 4/24/2002) that "Claim 15 recites a system in which the exchange platform allows vendors to be search time participants, order time participants or real time participants", and the definition for those different "participant" "based upon the

frequency in which the inventory information was updated from each vendor to the exchange platform through a transmission means". The examiner submits a reasonable interpretation according to "a system claim" requirement, in which components/module/means of said system are sought for protection; there are data in claims which do not necessarily contribute weight to a system claim.

6. Claim 15, 2-3, 5, 7, 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipate by **Erickson** (US Pat. 6,014,644).

A. Re. to claim 15: Erickson discloses a system for **enabling a buyer to review inventories** of vendors, comprising:

- a platform that allowing users to search and order (see **Erickson** Fig.1);
- transmission means for transmitting inventory information from said vendor to said platform (see **Erickson** Fig.1); and
- reviewing means provided with each buyer for reviewing vendor's inventory (see **Erickson** Figs.4-5).

B. Re. to claim 2: Erickson discloses a system for **enabling a buyer to review inventories** of vendors according to claim 15, further including an ordering means (see **Erickson** Fig.1).

C. Re. to claim 3: Erickson inherently discloses a system for **enabling a buyer to review inventories** of vendors

according to claim 2, further including a monitor screen at vendor's site to see pending ordered items.

D. Re. to claim 5: Erickson inherently discloses a system for **enabling a buyer to review inventories** of vendors according to claim 3, wherein a buyer can submit a bid about a price to a particular vendor (see **Erickson**, the abstract).

E. Re. to claim 7: Erickson discloses a system for **enabling a buyer to review inventories** of vendors comprising vendors' servers with inventory information (see **Erickson**, Fig. 3B).

F. Re. to claim 12: Erickson inherently discloses a system for **enabling a buyer to review inventories** of vendors according to claim 3, wherein a pending order can be modified by a vendor and returned to the buyer (see **Erickson**, the abstract).

G. Re. to claims 13, 14: Erickson inherently discloses a system for **enabling a buyer to review inventories** of vendors according to claim 11, wherein pending orders must be approved during a predetermined time period (see **Erickson**, the abstract). The examiner submits that claim 13 has a similar rationale as claim 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 8-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Erickson** (US Pat. 6,014,644), further in view of the Official Notice.

A. Re. to claim 6: A system for **enabling a buyer to review inventories** of vendors, wherein a batch file about inventory info./data is transmitted. Although Erickson may not expressly disclose about this limitation; the Official Notice is taken here that "a batch file" has been known to be used in transmitting multiple files as the result of a single command (note: for "batch file transmission", an acronym in computer language for this meaning was BFT).

B. Re. to claim 8: A system for **enabling a buyer to review inventories** of vendors wherein an ordering means informed vendor of current orders. Although Erickson may not expressly disclose about this limitation; the Official Notice is taken here that a means to inform a vendor of a current order was in practices.

C. Re. to claim 9: A system for **enabling a buyer to review inventories** of vendors, wherein a buyer can hold/reserve an item. Although Erickson may not expressly disclose about this limitation; the Official Notice is taken here that using a rain-check, or a small deposit to hold/reserve an item was well-known.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Erickson's idea of an ordering system with available business practices of online orders/bidding from the Official Notice because these limitations are merely fundamental procedures for ordering controls and managements.

Conclusion

8. Claims 2-3, 5-15 are not patentable.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703) 305-7687 [Official communications]

or 703-746-5572 (RightFax)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

The receptionist telephone number is (703) 308-1113.

Cuong H. Nguyen
Primary Examiner
August 15, 2002